

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

**GES EXPOSITION SERVICES**

Employer<sup>1</sup>

and

CASE 22-RC-11759

**LOCAL UNION NO. 807, INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS, AFL-CIO**

Petitioner<sup>2</sup>

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding<sup>3</sup>, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>4</sup>

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<sup>1</sup> The name of the Employer appears as amended at the hearing.

<sup>2</sup> The name of the Petitioner appears as amended at the hearing.

<sup>3</sup> Briefs filed by the parties have been duly considered, including a timely supplemental brief filed by Petitioner prior to its receipt of the Employer's brief. The Petitioner was allowed to file a supplemental

3. The labor organization involved claims to represent certain employees of the Employer.<sup>5</sup>
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act for the reasons described *infra*:

All full-time and regular part-time<sup>6</sup> freight supervisors and production supervisors employed by the Employer through its Teterboro, New Jersey facility, excluding office clerical employees, managerial employees, executives, sales employees, professional employees, guards and supervisors as defined in the Act.

The Petitioner seeks to represent a unit consisting of about eight full-time freight and five to eight full-time production supervisors as well as an approximately equal number of regular part-time production and freight supervisors employed by the Employer through its Teterboro, New Jersey facility, excluding managerial employees,

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brief after I granted the Employer's request to extend the time for receipt of its brief, despite the fact that the Petitioner had already filed a brief.

<sup>4</sup> The Employer asserts that it is exempt from the Board's jurisdiction because of its relationship with an agency of the State of New York, the New York Convention Center Operating Corp., a/k/a The Jacob K. Javits Convention Center, herein Javits Center, discussed *infra*. It maintains that the State of New York has pre-empted the Board's jurisdiction pursuant to its special local interest of fighting organized crime at the Javits Center, one of the locations to which the Employer sends individuals in the petitioned-for unit to work. The Employer has not demonstrated in the record herein that New York State's compelling interest would require that any of the Employer's employees working at the Javits Center must be supervisors, as it asserts. Further, even if that were the case, as the Javits Center is only one venue where the petitioned-for employees work, I find that the Board would not be pre-empted from asserting jurisdiction over the Employer when it otherwise meets the Board's jurisdictional standards.

<sup>5</sup> The parties stipulated and, I find, that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

<sup>6</sup> The parties stipulated that should an election be directed, the regular part-time freight and production supervisors eligible to vote shall be those employees who have worked at least 150 hours in the calendar quarter immediately preceding the direction of election herein, namely, the period from April through June 1999.

executives, sales employees, guards and supervisors as defined in the Act. The record reflects that the regular part-time freight and production supervisors perform the same tasks and have the same authority as individuals employed in those classifications that work full-time. The Employer, however, contends that the petitioned-for unit consists of supervisors and is, therefore, inappropriate. There is no history of collective bargaining for any of the employees sought by the Petitioner

The Employer is engaged in the provision of exposition services throughout the United States, with its Northeast Regional Office located in Teterboro, New Jersey. From there it provides exposition services to various venues. A majority of the work performed by the Employer is done in New York City and a majority of that work is done at the Javits Center. The Employer also does work at the piers, the armory and hotels in New York. Additionally, it does work at hotels and convention centers throughout New Jersey as well as at such facilities in Boston, Massachusetts and Providence, Rhode Island.

The President of the Employer's Northeast Division is Brian Bain. Its Vice Presidents of Sales are Bruno Giacco, John Hamilton, Tom Bain and Jim Hodgins. Working under them is Lenny Servidio, Director of Sales. Reporting to Servidio are account executives who interface with the Employer's clients, represented by show managers, to insure that the exhibitions are successful. With respect to the operations end of the Employer's business, the Employer's Vice President of Operations is Frank Nuzzi. Reporting to him are Director of Show Site Operations Joe Striefsky, who has overall responsibility for the set-up of the shows and their dismantling and Director of Freight Operations Steve Casterline, who has overall responsibility for the transport and handling of freight necessary for the exhibitions. Freight Managers Bill Abbema and

Robert Ferris work under Casterline. Based on the above and the record as a whole, noting that the parties are in agreement, I find that the above-named individuals are either managers or supervisors of the Employer and I shall, therefore, exclude them from the unit found appropriate herein.

At the Javits Center and most other exhibitions, some of the Employer's managerial or supervisory personnel, including, among others, Steve Casterline, Bill Abbema, Robert Ferris or Joe Striefsky, and an account executive or higher level sales representative are present. One or more of these representatives will have overall responsibility and will be designated as being in charge of the show. Throughout the show, the freight supervisors and production supervisors can, and do, call or have in-person conversations with these representatives concerning show matters

The record reflects that freight supervisors, who hierarchically are under Director of Freight Operations Casterline and Freight Managers Abbema and Ferris, perform various functions for the Employer. These include, among others, working as roadway personnel directing truck traffic to the dock and into proper bays to insure that freight is unloaded in the correct order, signing in truck drivers and checking their paperwork and working at the loading docks overseeing the unloading and reloading of freight on the trucks. They direct crews of freight handlers consisting of a checker, a forklift driver and an assistant from truck to truck to insure that the trucks are unloaded or reloaded in an orderly and timely fashion, and that their contents are delivered into the hall in an appropriate manner.

The Employer employs four truck drivers, represented by the Petitioner, who make deliveries from its Teterboro warehouse to the various exhibition venues and return material to the warehouse at the end of the shows. Truck drivers employed by other

employers also make deliveries for the Employer to such venues. At venues used by the Employer in the New York City Metropolitan area, the Petitioner represents freight handlers who unload the trucks and move the freight. Those employees are referred to work for the Employer, as needed, from a hiring hall operated by the Petitioner. At venues located further away from New York City other Teamster hiring halls refer employees to work for the Employer as freight handlers. Depending on the number of employees referred, a foreman or foremen will also be referred from the halls to oversee the employees' work. While the freight handlers who work at the Javits Center, where the larger exhibitions are held, are represented by Petitioner and referred there through its hiring hall, the record reflects that those employees are not employed by the Employer but, instead, are employed and paid by the Javits Center, an agency of the State of New York.

The record reflects that the Employer's production supervisors, who hierarchically are under Director of Show Site Operations Striefsky, oversee the work of decorators, also referred to as carpenters, who lay carpets and erect and install booths at the various venues. The booths may consist of pipes and drapes, which are hung, or of hardwalls. The decorators also remove the carpets and dismantle the booths at the end of the shows. When not at the job sites, the production supervisors may be working in the office assisting Striefsky by calling exhibitors to ascertain the type and amount of equipment needed for shows.

Depending on the venue, the decorators are Carpenters, Exposition Workers or Decorators referred from hiring halls to work for the Employer. As with the freight handlers, and depending on the number of employees referred, the unions will also refer a foreman or foremen to oversee the decorators' work. The unions referring decorators

have collective bargaining agreements with the Employer. However, decorators referred to the Javits Center, like the freight handlers, are employees of the State of New York. They are referred pursuant to a collective bargaining agreement between their union, the District Council of Carpenters, and the Javits Center.

With respect to assignment or direction of the drivers and freight handlers, the record reflects that the freight supervisors direct drivers, some of whom are the Employer's employees, when and where to move their trucks. This determination is based on the contents of their truck and which bays are available. They also tell freight handlers which trucks to unload or point out empty crates or other freight that needs to be reloaded. The crews of freight handlers that check, unload and move freight are familiar with the type of work that they do and it appears that they need little, if any, direction. In that regard, the record reflects that the material handlers are provided with floor plans prepared by others, not the freight supervisors, which show them the location, size and numbers of the booths. These plans are also posted on the walls at the shows for their use. Crates are marked and tagged with the numbers of the exhibition booths to which they are to be delivered. The crates are either premarked or marked by a checker, in accordance with the paperwork he is given. If a freight supervisor sees that a crew needs additional assistance moving freight, he will contact the Director of Show Site Operations or a Freight Manager to get additional help, unless he sees an available employee nearby in the appropriate job classification whom he may ask to assist.

In making assignments or giving directions to employees, production supervisors will follow written plans of operation prepared by Striefsky. These plans indicate the schedule of tasks to be done at various times during the show. For smaller shows, Striefsky, an account executive or a manager in charge of the show may discuss the

scheduling orally with the production supervisors before the work begins or the production supervisors may not need this guidance. Work is distributed to the decorators according to their availability and known abilities. Production supervisors or a carpenter foreman will distribute strip sheets to the decorators, prepared by others, which show how each booth is to be erected. The strip sheets are self-explanatory and the decorators, who are experienced in this type of work, normally do not need any guidance in following them. If they need guidance they may consult with a production supervisor or their foreman.

Pre-show planning meetings are held prior to the start of shows. At these meetings the show's labor needs are discussed. Because of the repetitive nature of the Employer's exhibitions, to determine the number of employees needed the Employer can obtain useful information from reviewing the labor needs of a previous similar show, making appropriate modifications, when necessary. While freight supervisors and production supervisors may be invited to attend pre-show planning meetings, especially if they are in the office then, the record does not reflect that they must be present or that they determine or effectively recommend the number of employees to be hired or utilized.

When drivers or freight handlers are needed at a show, Casterline, Abbema, Ferris or someone else at their direction, will normally call the warehouse to have a driver or drivers sent and will make a "labor call" to obtain freight handlers. For decorators, Striefsky or someone else at his direction will normally make the labor call.<sup>7</sup> While the record reflects that, on occasion, a freight or production supervisor may make labor calls,

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<sup>7</sup> At the Javits Center, calls will be made to Javits Center representatives designated for that purpose while at other venues calls will be made to the union hall or a union foreman will be notified.

that does not appear to be the normal practice. If asked, they will advise management of their anticipated labor needs and may recommend that they receive a certain number of employees. However, the record reflects that they do not always get the number of employees they request.

If fewer freight handlers or decorators are needed on subsequent days of an exhibit, some of them may be laid off or not called back, as determined by management. While freight or production supervisors may report to management the amount of work remaining, recommendations they may make concerning layoffs are not necessarily followed. If layoffs occur, which employees are to be laid off or not called back is determined by seniority, except for decorators working at the Javits Center, where seniority, for this purpose, is not controlling. Daily time sheets used for decorators at the Javits Center have places to indicate whether or not the decorator should be called back. There is conflicting testimony, however, as to whether production supervisors are instructed to complete that information or the information is to be completed by someone else.

At the end of a shift, freight supervisors will send freight handlers to the check out desk after informing the Director of Freight Operations or a Freight Manager that the work is done. The Employer's drivers can be released by one of the above or by someone else who is managing the show, if the work is done. The drivers will return to the warehouse to check with their warehouse manager if there are other assignments. Production supervisors release decorators after first checking with a manager or an account executive, if available. If not available, the manager or account executive may leave instructions as to whether or not to release decorators at the end of their shifts, or to keep them for overtime work.



While, as noted above, freight or production supervisors may speak to a manager or account executive at the end of their shift to report work that is left to be done, it appears that decisions as to whether employees should work overtime past their shift normally are made by a manager or account executive, and not by a freight or production supervisor. Employees also may be asked by a freight or production supervisor to work through their lunch break at overtime pay, if, after first informing a manager or account executive how much work there is to be done, the manager or account executive determines that overtime is warranted. On apparently rare occasion, if no manager or account executive is available, a freight or production supervisor may ask employees to work overtime through their lunch break or after their shift if they believe overtime work is necessary. However, he may be asked by management later to justify his actions.

If an employee has to leave early, he may initially mention this to a freight or production supervisor. Although there is testimony that the freight or production supervisor has authority to grant the employee “permission” to leave early, there are no examples of such. Further, there is no evidence that a freight or production supervisor could require an employee who wanted to leave, to stay.

The record reflects that production and freight supervisors are requested to review and sign employee time sheets. This also will, at times, be done by a union foreman or, for larger jobs, by a payroll clerk. In addition to noting the hours worked, the sheets will, when appropriate, note that the employee had worked through lunch.

With respect to discipline, the record reflects that if a freight or production supervisor is having a problem with an employee, for example, if he believes that the employee is not “pulling their weight,” he will report this to the employee’s foreman, Casterline, Abbema, Ferris or Striefsky, and request that they straighten the problem out.

Casterline testified that if it is a minor problem a supervisor could speak to the employee about it but if it is a more serious problem which might require a reprimand the supervisor would report the problem to the foreman. A freight supervisor and a production supervisor called by Petitioner to testify both stated that they were never told by the Employer that they had authority to discipline or to recommend the disciplining of employees, and they have never done such. While Vice President of National Sales Hamilton and Striefsky testified that production and/or freight supervisors can recommend discipline if they encounter problems with employees on the job, they did not provide any specific examples of such.

One production supervisor called by the Employer testified as to certain incidents when he told employees, without first consulting with an Employer representative, not to return to work. Some of these incidents involved employees who did not show or reported late to work when the applicable collective bargaining agreement allowed the Employer to reject an employee who shows up late. Another incident involved an employee who returned from lunch under the influence of alcohol and was damaging tables while operating a forklift. The production supervisor testified that he told the employee “why don’t you leave now before you lose your job,” and that he was trying to save the employee’s job by telling him to go home. Still another incident involved a decorator who was smoking in a nonsmoking area of the floor and, in response to repeatedly being told by a show manager (who represents the Employer’s client) to stop, got loud and cursed at her. According to the production supervisor, the decorator was acting crazy, he may have been drinking and he was threatening to beat someone up. The production supervisor then told him to leave and not return. The record reflects that most of these incidents occurred at shows in Atlantic City where, for at least a portion of the

time, there was no account executive or apparently any other management representative present. The record also reflects that for nearly all of the shows that he has done an account executive has been present, that most of his shows are in New York and that that he has not been involved in disciplining any employees at the Javits Center or at any other New York locations. He also testified that if employees are not working as quickly as he would like, he may tell them to work faster and that if they do not comply he would notify their foreman.

The record reflects that neither freight supervisors or production supervisors have authority to grant promotions or wage increases, nor do they recommend such action. Further, they are not involved in resolving employee grievances.

It is well established that “an individual must exercise supervisory authority over employees of the employer at issue, and not employees of another employer, in order to qualify as a supervisor under Section 2(11) of the Act.” *Crenulated Company, Ltd.*, 308 *NLRB 1216 (1992)*. To the extent that the employees involved herein, be they drivers, freight handlers or decorators, are employees of the Javits Center or another employer, the freight and production supervisors would not exercise Section 2(11) supervisory authority over them. While the Employer asserts in its brief that it is a joint employer of the Javits Center employees, I reject that argument, as the record testimony does not support such a finding. In that regard, it is noted that the collective bargaining agreement that the Javits Center entered into with Petitioner and presumably with other labor organizations reserves to the Javits Center the sole right to determine the quality of employees referred, to refuse to employ employees whom it determines, in its absolute and sole discretion, are unfit for employment, to determine the appropriate crew size needed to perform services, to vary crew sizes as conditions warrant and to discipline and

terminate employees for just cause. There is insufficient evidence that the Javits Center has relinquished that control to the Employer in a meaningful respect. Further, I note that the Javits Center's collective bargaining agreement with Petitioner and presumably other labor organizations also provides that if the Javits Center contracts with individuals or employers to provide material or services, "under no circumstance shall said individuals or employers be considered joint employers with the [Javits Center] for work performed under this agreement."<sup>8</sup>

Section 2(11) of the Act defines a supervisor as:

[A]ny individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

In *Providence Hospital*, 320 NLRB 717, 725 (1996), the Board held, "In enacting Section 2(11) of the Act, Congress distinguished between true supervisors who are vested with 'genuine management prerogatives,' and 'straw bosses, lead men and set-up men' who are protected by the Act even though they perform 'minor supervisory duties.'" *Id.* at 724 citing *NLRB v. Bell Aerospace Co.*, 416 U.S. 267, 280-81 (quoting S. Rep. No. 105, 80th Cong., 1st Sess., 4 (1947)). The legislative history instructs the Board not to construe supervisory status too broadly because an employee who is deemed a supervisor loses the protection of the Act. See *Providence Hospital*, *supra*, 320 NLRB at 725;

*Warner Co. v. NLRB*, 365 F. 2d 435, 437 (3rd Cir. 1966), cited in *Bay Area-Los Angeles*

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<sup>8</sup> Even if the Employer was found to be a joint employer with the Javits Center, a government entity, that would be irrelevant to a determination of jurisdiction. As the Board noted in *Management Training Corp.*, 317 NLRB 1355 at 1358, n. 16 (1995), "the fact that we have no jurisdiction over governmental entities and thus cannot compel them to sit at the bargaining table does not destroy the ability of private employers to engage in effective bargaining over terms and conditions of employment within their control. . . . The

*Express*, 275 NLRB 1063, 1073 (1985). While the possession of any one of the functions enumerated in Section 2(11) is sufficient to establish supervisory status, Section 2(11) requires that a supervisor must perform those functions with independent judgment, as opposed to in a routine or clerical manner. *Bay Area-Los Angeles Express*, *supra* at 1073 and cases cited therein. The burden of proving supervisory status rests on the party contending that status. *Midland Transportation Co.*, 304 NLRB 4 (1991); *Tucson Gas & Electric Co.*, 241 NLRB 181 (1979). Absent detailed, specific evidence of independent judgment, mere inference or conclusionary statements without supporting evidence are insufficient to establish supervisory status. *Quadres Environmental Co.*, 308 NLRB 101, 102 (1992)(citing *Sears Roebuck & Co.*, 304 NLRB 193 (1991)). Further, whenever evidence is in conflict or otherwise inconclusive on particular indicia of supervisory authority, the Board will find that supervisory status has not been established on the basis of those indicia. *The Door*, 297 NLRB 601 (1990)(quoting *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989)). It is well established that an employee's title, standing alone is not indicative of supervisory status for purposes of the Act. *John N. Hansen Co.*, 293 NLRB 63 (1989); *Waterbed World*, 286 NLRB 425 (1987).

The Employer claims that freight supervisors and production supervisors exercise sufficient authority to assign or responsibly direct employees to justify excluding them as statutory supervisors. The assignments at issue are assignments to specific tasks, not assignments involving overall job responsibilities. Whether such "assignments" are denoted by the statutory term "assignment," as opposed to the term "responsibly to direct" is not clear. See *Providence Hospital*, *supra*, 320 NLRB at 727.

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holding in *Ohio Ins., Inc.*, 205 NLRB 528 (1973), that it would not effectuate the policies of the Act to assert jurisdiction over a private employer because the State is a joint employer is hereby overruled."

However, under either statutory phrase the assignments at issue here are not characteristic of those of "supervisors who share management's power or have some relationship or identification with management," and are thus distinguishable from "skilled nonsupervisory employees whose direction of other employees reflects their superior training, experience or skills." See *id.* at 729. The Board in *Providence Hospital* quoted with approval the court in *NLRB v. Security Guard Service*, 384 F. 2d 143, 151(5th Cir. 1967):

If any authority over someone else, no matter how insignificant or infrequent, made an employee a supervisor, our industrial composite would be predominantly supervisory. Every order-giver is not a supervisor. Even the traffic director tells the president of a company where to park his car.

The tasks to which freight supervisors assign employees, such as moving trucks or unloading or reloading freight are routine. So too are the tasks that production supervisors assign decorators, such as laying carpet or setting up or dismantling booths. The freight and production supervisors assign tasks to employees based on who is available and their experience. There was no showing that independent judgment was required to select among employees. See *Clark Machine Corp.*, 308 NLRB 555, (1992) (assignments are routine when based on employees' skills that are well known). There was no evidence that it was necessary to resolve conflicts or problems with respect to the tasks to be performed or the skills or strengths of the employees. They also direct employees in accordance with plans of operation, floor plans and other instructions furnished by the Employer. Also, the record reflects that the employees involved generally know what tasks they are to perform and how to do them and, therefore, need little, if any, direction. Thus, I find that the Employer has not established that the

individuals in question assign or responsibly direct employees so as to be excluded from the unit as supervisors on that basis. See *Artcraft Displays, Inc.*, 262 NLRB 1233 (1982).

The Employer also claims that freight supervisors and production supervisors should be excluded as supervisors because they have the authority to discipline and discharge employees, or to effectively recommend such action. However, there is no probative evidence of such. The record reflects that if freight supervisors or production supervisors encounter disciplinary problems with employees, they report the problems to and seek assistance from the employees' foremen or other management representatives who apparently, independently, decide what to do. In that regard no example of a freight or production supervisor recommending discipline was given. While one production supervisor testified that he has sent employees home on his own volition, it appears that his actions occurred on rare occasions when management representatives were not present and when, in some instances, because of the type of misconduct involved, immediate action may have been necessary. As to other instances, it is unclear whether the production supervisor's actions were even a form of discipline at all, but merely a refusal to accept a referred employee who had not complied with the contractual requirements of timely arrival. Thus I find that, at best, such occasional and sporadic exercise of supervisory authority to (arguably) discipline is not sufficient to establish that freight or production supervisors are supervisors under the Act, or even that the production supervisor involved in these incidents should be excluded from the unit. *North Jersey Newspapers Co.*, 322 NLRB 394 at 395 (1986); *U.S. Gypsum Co.*, 79 NLRB 48 (1948).

Nor do I find that the freight or production supervisors exercise other indicia of supervisory status. Although they may review and initial time sheets and prepare other

paperwork, this is merely routine and clerical and is not indicative of supervisory status. *Artcraft Displays, Inc.*, *supra* at 1234; *John Cuneo of Oklahoma, Inc.*, 238 NLRB 1438 at 1439 (1978), *enfd* 106 LRRM 3077 (10<sup>th</sup> Cir. 1980). Additionally, they have little, if any, authority over the hiring or laying off of employees, or the assigning of overtime. While they may, periodically, attend management meetings, this does not support a finding of supervisory status in the face of insufficient statutory indicia of supervisory status *McClatchy Newspapers*, 307 NLRB 773, 779 (1992). Based on the above and the record as a whole, noting that the freight supervisors and production supervisors do not appear to exercise any supervisory authority or possess any indicia of supervisory status, I find that they are not supervisors within the meaning of Section 2(11) of the Act, and shall include them in the unit found appropriate herein. *See also*, *Consolidated Services*, 321 NLRB 845 (1996); *North Shore Weeklies, Inc.*, 317 NLRB 1128 (1995); *Spector Freight System, Inc.*, 216 NLRB 551 (1975).<sup>9</sup>

### **DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to issue subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are

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<sup>9</sup> As I have found that the freight supervisors and production supervisors are not supervisors within the meaning of the Act, I reject the Employer's argument that allowing the Petitioner to represent a unit of employees which supervises another unit which it also represents would create an inherent conflict of interest.



employees engaged in an economic strike which commenced less than 12 months before the election date and who retained the status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **Local Union No. 807, International Brotherhood of Teamsters, AFL-CIO.**

#### **LIST OF VOTERS**

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc., 156 NLRB 1236 (1966); NLRB v. Wyman-Gordon Company, 394 U.S. 759 (1969).* Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters in the voting groups found appropriate above shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. *North Macon Health Care Facility, 315 NLRB 359 (1994).* In order to be timely filed, such list must be received in the NLRB Region 22, 20 Washington Place, Fifth Floor, Newark, New Jersey 07102, on or before July 29, 1999. No extension of time to file this list shall be granted except in

extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

### **RIGHT TO REQUEST REVIEW**

Under the provision of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. This request must be received by the Board in Washington by August 5, 1999.

Signed at Newark, New Jersey this 22<sup>nd</sup> day of July 1999.

/s/William A. Pascarell

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